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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,712	09/06/2006	Jun Cheng	L9289.06187	3146

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
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2419

MAIL DATE	DELIVERY MODE
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07/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,712	Applicant(s) CHENG ET AL.	
	Examiner Andrew C. Lee	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1 – 10 haven been canceled.

Claims 11 – 14 are newly added.

Claims 11 – 14 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 12, 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kou (5303234).

Regarding claim 11, Kou discloses a transmission method comprising: receiving information which is transmitted from a base station apparatus and which relates to a number of duplications of a transmission packet (*Abstract, Fig. 10, col. 1, lines 46 – 62, col. 7, lines 23 – 42*); and transmitting the transmission packet and a number of duplicated transmission packets matching the information which relates to the number of duplications, using a resource selected at random from resource candidates (*“number of retransmit packets”; Fig. 10, col. 7, lines 23 – 68*).

Regarding claim 12, Kou discloses the transmitting method according to claim 11, wherein the resource candidates are one of a timing (*“appropriate transmit timing”*; Fig. 10, col. 7, lines 6 – 11), transmission frequency and spreading code.

Regarding claim 13, Kou discloses a transmitting apparatus (Fig. 6) comprising: a receiving section (*“antenna and demodulator”*; Fig. 6, col. 5, lines 6 – 18) that receives information which is transmitted from a base station apparatus and which relates to a number of duplications of a transmission packet (Abstract, Fig. 10, col. 1, lines 46 – 62, col. 7, lines 23 – 42); and a transmitting section (*“antenna and modulator”*; Fig. 6, col. 5, lines 47 – 55) that transmits the transmission packet and a number of duplicated transmission packets matching the information which relates to the number of duplications, using a resource selected at random from resource candidates (*“number of retransmit packets”*; Fig. 10, col. 7, lines 23 – 68).

Regarding claim 14, Kou discloses an integrated circuit (Fig. 6, slot controller) comprising: a reception controlling section (*“antenna and demodulator”*; Fig. 6, col. 5, lines 6 – 18) that controls processing of receiving information which is transmitted from a base station apparatus and which relates to a number of duplications of a transmission packet (Abstract, Fig. 10, col. 1, lines 46 – 62, col. 7, lines 23 – 42); and a transmission controlling section (*“antenna and modulator”*; Fig. 6, col. 5, lines 47 – 55) that controls processing of transmitting the transmission packet and a number of duplicated transmission packets matching the information which relates to the number

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of duplications, using a resource selected at random from resource candidates
(*"number of retransmit packets"; Fig. 10, col. 7, lines 23 – 68*).

Response to Arguments

4. Applicant's arguments filed on 4/23/2009 with respect to claims 11, 12, 13, 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Takashima (5065398).
- b) Zhu et al. (5768527).
- c) Kohno (US 7315898 B2).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2419
<7/07/2009::4Qy09>

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2419